

HOUSE BILL 2789
By Johnson R

AN ACT to amend Tennessee Code Annotated, Title 55
and Section 67-4-1702, relative to driver schools.

WHEREAS, it is the intent of the general assembly to promulgate and establish criteria for licensing and regulating driver improvement schools, instructors, and for the uniformity of course curriculum and training and to generate revenue related to those operations within the state; now, therefore:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 55, is amended by adding a new chapter 54, as follows:

55-54-101. In this chapter, unless the context otherwise requires:

(1) "Classroom" means a physical location within the state where any defensive driving course, driver safety course or course provider's course for instructors is taught; however, it is not required to be in the same physical location as the parent defensive driving school, driver safety school or course provider if it meets the requirements set forth in § 55-54-502(b).

(2) "Commissioner" means the commissioner of safety;

(3) "Course provider" means an enterprise that:

(A) Maintains a place of business in this state;

(B) Is operated by an individual, association, partnership, or corporation within this state that is licensed by the department as a course provider;

(C) Has on its staff an individual or individuals who have a minimum of a bachelor of science degree in education with a minimum of five (5) years teaching experience at the high school, college or university level, which is

accredited in Tennessee, who shall assist in the creation and periodic modification of course materials;

(D) Has on its staff at least one (1) individual who is an attorney licensed to practice law in this state and who has a minimum of five (5) years actual experience practicing criminal law in this state handling driving-related traffic and criminal offenses. Such individual shall ensure that any course materials created or used shall be in compliance with the laws of this state as may be modified from time to time by the department, the legislature and court precedent; and

(E) Has been approved by the commissioner to teach both the defensive driving course as defined in § 55-54-101(8) and the driver safety course as defined in § 55-54-101(15), and such approval by the commissioner having been in effect for at least one (1) year prior to being eligible to apply to be a course provider; provided, however, any authorized person or provider that otherwise meets the requirements of subdivisions (3)(A),(B),(C) and (D), and has been approved as of December 31, 2006, by the commissioner to teach both the eight-hour point reduction course pursuant to § 55-50-505 and the court referral course pursuant to § 55-10-301, shall be considered to be licensed under this chapter. Such person shall be allowed to immediately begin operations as a course provider as defined in this chapter and shall not be required to pay an initial application fee as set forth in § 55-54-401(b) and shall only be subject to the license renewal fee thereafter;

(4) "Course provider employee" means a person employed by the course provider, who receives compensation from a course provider for instructional or other services rendered;

(5) "Course provider instructor" means an individual who meets the criteria set forth in §§ 55-54-101(3)(C) or 55-54-101(3)(D), and who holds a license issued by the department authorizing such individual to teach prospective instructor applicants for licensing under § 55-54-101(11) and § 55-54-101(18), and

(A) By virtue of such license may also teach defensive driving courses as defined by § 55-54-101(8) and driver safety courses as defined by § 55-54-101(15); and

(B) Any authorized individual who otherwise meets the requirements of §§ 55-54-101(3)(C) or 55-54-101(3)(D) and who has been approved as of December 31, 2006, by the commissioner to teach both the eight-hour point reduction course pursuant to § 55-50-505 and the court referral course pursuant to § 55-10-301, shall be considered to be licensed under this chapter and shall be allowed to immediately begin operations as a course provider instructor. Such person shall not be required to pay an initial application fee as set forth in § 55-54-401(f) and shall only be subject to the license renewal fee thereafter and shall not be required to obtain or complete any continuing education required under this chapter until the expiration of twelve (12) calendar months from the date of enactment of this chapter;

(6) "Course provider instructor license fee" means the fee set by law for the licensing of persons to be course provider instructors under this chapter;

(7) "Course provider license fee" means the fee set by law for the licensing of course providers under this chapter;

(8) "Defensive driving course" means an eight-hour course developed by a course provider for the educating of individuals about defensive driving and which is

intended to improve a driver's knowledge, perception, and attitude about driving, and upon completion leads to a reduction of driver license points, pursuant to § 55-50-505;

(9) "Defensive driving school" means an enterprise that:

(A) Maintains a place of business and solicits business in this state; and

(B) Is operated by an individual, association, partnership, or corporation within this state that is licensed by the department to teach defensive driving courses as defined in this section;

(10) "Defensive driving school employee" means a person employed by a defensive driving school who receives compensation from a defensive driving school for instructional or other services rendered;

(11) "Defensive driving school instructor" means an individual who holds a license issued by the department authorizing such individual to teach a defensive driving course as defined in § 55-54-101(8). Any authorized person who is approved by December 31, 2006, by the commissioner to teach the eight-hour point reduction course pursuant to § 55-50-505 shall be considered to be licensed under this chapter and shall be allowed to immediately begin operations as a defensive driving school instructor. Such person shall not be required to pay an initial application fee as set forth in § 55-54-401(g) and shall only be subject to the license renewal fee thereafter and shall not be required to obtain or complete any continuing education required under this chapter until the expiration of twelve (12) calendar months from the date of enactment of this chapter;

(12) "Defensive driving school instructor license fee" means the fee for the licensing of persons to be defensive driving school instructors under this chapter;

(13) "Defensive driving school license fee" means the fee for the licensing of defensive driving schools under this chapter;

(14) "Department" means the department of safety;

(15) “Driver safety course” means a four-hour in-classroom course developed by a course provider for the educating of individuals about driver safety and intended to improve a driver’s knowledge, perception, and attitude about driving and which is used for compliance with court ordered driving school referrals, pursuant to §§ 55-10-301 and 37-1-146(b)(3);

(16) “Driver safety school” means an enterprise that:

(A) Maintains a place of business and solicits business in this state; and

(B) Is operated by an individual, association, partnership, or corporation within this state licensed by the department to teach driver safety courses as defined in this chapter;

(17) “Driver safety school employee” means a person employed by a driver safety school who receives compensation from a driver safety school for instructional or other services rendered;

(18) “Driver safety school instructor” means an individual who holds a license issued by the department licensing such individual to teach a driver safety course as defined in § 55-54-101(15); and any authorized individual who is approved by December 31, 2005, by the commissioner to teach the court referral course pursuant to § 55-10-301. Such person shall be considered licensed under this chapter and shall be allowed to immediately begin operations as a driver safety school instructor as defined in this chapter and shall not be required to pay an initial application fee as set forth in § 55-54-401(h), and shall only be subject to the license renewal fee thereafter and shall not be required to obtain or complete any continuing education required under this chapter until the expiration of twelve (12) calendar months from the effective date of this chapter;

(19) “Driver safety school instructor license fee” means the fee for the licensing of persons to be driver safety school instructors under this chapter;

(20) “Driver safety school license fee” means the fee for the licensing of driver safety schools under this chapter;

(21) “Internet driver safety course” means a driver safety course, developed and operated by a course provider licensed under this chapter, who meets the criteria set forth in § 55-54-101(3), to be taken by individuals using the Internet to comply with court ordered driving school;

(22) “Person” means an individual, firm, partnership, association, corporation or other private entity or combination of persons;

(23) “Privilege tax” means the occupational privilege tax imposed by § 67-4-1702; and

(24) “Unauthorized assistance” means any person who either takes, or allows another to take, an instructor course, defensive driving course, driver safety course, or Internet driver safety course as defined in this chapter, on behalf of or in place of the person who has registered to take such course under the provisions of this chapter or applicable court order.

55-54-102. The provisions of this chapter shall apply only to the operation and licensing of course providers, defensive driving schools, driver safety schools, and instructors as defined in § 55-54-101.

55-54-103. The costs of administration of this chapter shall be paid for by fees set forth in this chapter.

55-54-104. The department shall not make any referral or accept any certificate of course completion for driver license point reduction under § 55-50-505, unless the course provider or defensive driving school is licensed by the department.

55-54-105. No court of this state, or judge thereof, shall make any referral of any person to, or accept any certificate of course completion for, court ordered driving school under §§ 55-

10-301 and 37-1-146(b)(3) unless the course provider or driver safety school is licensed by the department.

55-54-201. This chapter shall be administered by the department of safety.

55-54-202. The department shall have jurisdiction over, and control of, course providers, defensive driving schools, driver safety schools, and instructors licensed and regulated under this chapter.

55-54-203. The department shall promulgate comprehensive rules pursuant to title 4, chapter 5, governing defensive driving courses, driver safety courses and courses for instructors of defensive driving schools and driver safety schools.

55-54-204.

(a) The commissioner shall:

(1) Administer the policies of this chapter;

(2) License and enforce minimum standards for course providers, defensive driving schools, driver safety schools, and instructors licensed under this chapter; and

(3) Adopt, publish and enforce rules necessary to administer this chapter.

(b) The commissioner may designate a person knowledgeable in the administration of regulating defensive driving and driver safety schools to administer this chapter.

55-54-205.

(a) The department shall print and supply to each licensed course provider, defensive driving school or driver safety school certificates to be used for certifying and evidencing completion of a defensive driving course as defined in § 55-54-101(8), or of a driver safety course as defined in § 55-54-101(15).

(b) The department shall provide for the design and distribution of authorized certificates in a manner that discourages the unauthorized reproduction or misuse of the certificates.

(c) The certificates for the defensive driving course and the driver safety course shall have different background colors.

(d) The certificates for the defensive driving course and the driver safety course shall have on them the following:

(1) The name of the particular course and whether it is the defensive driving course or the driver safety course;

(2) Places for the name and identifying number of each course provider, defensive driving school or driver safety school;

(3) For the person taking the course, there shall be places for the following information:

(A) Name, address, date of birth, driver's license number and state that issued the license; and

(B) Name and address of the court, department or agency for which an individual is taking the course, and the docket number or other identifying number that is being used by the court, department or agency to identify the individual; and

(4) If the certificate is for the Internet driver safety course, it shall also have an affidavit which the student shall sign before a notary public or court clerk who shall place such notary's or clerk's official seal and signature thereon, certifying the identity of the person whose name shall appear on such certificate of completion. Such affidavit shall contain the following, to which the person signing must attest: "Under penalty of perjury, I hereby certify that I have personally taken this Internet driver safety course and that I have personally completed all studying and testing requirements for the issuance of this certificate of completion without any unauthorized assistance".

(e) A licensed course provider shall be entitled to purchase from the department uniform certificates of completion evidencing completion of any defensive driving course, any driver safety course and any Internet-based driver safety courses established under this chapter and offered by such course provider.

(f) A licensed defensive driving school shall be entitled to purchase from the department uniform certificates of completion evidencing completion of any defensive driving course which it is licensed to teach.

(g) A licensed driver safety school shall be entitled to purchase from the department uniform certificates of completion evidencing completion of any driver safety course which it is licensed to teach.

(h) The department shall be allowed to charge a fee not to exceed one dollar (\$1.00) for each such certificate printed, and shall only sell and distribute such certificates to those course providers, defensive driving schools and driver safety schools that are licensed under this chapter.

(i) Each licensed course provider, defensive driving school or driver safety school shall maintain such records or copies of certificates issued under this section as may be required by the commissioner, and any such records or copies of records shall be made available for inspection by the department, or a representative thereof, upon reasonable request.

(j) Until the department issues uniform certificates, any course provider, defensive driving school, or driver safety school licensed under this chapter as defined under § 55-54-101, shall be allowed to issue its own certificates of completion, which shall be substantially in compliance with this section and shall clearly state that the course provider or school is approved by the department. The commissioner shall set a date for issuance of uniform certificates. After such date, no other certificates of completion shall be accepted by the department or any court of this state.

55-54-206.

(a) The department shall print and supply to each licensed course provider uniform certificates of course completion for those persons completing an instructor certification course or renewal training course established under this chapter. The certificates must be numbered and have a different background color for each different course for which an instructor may be certified to teach.

(b) The department by rule shall provide for the design and distribution of the certificates in a manner that, to the greatest extent possible, prevents the unauthorized production or misuse of the certificate.

(c) A certificate under this section must:

(1) Be in a form required by the department;

(2) Include an identifying number by which the department, a court, other governmental department or agency or insurance agency may verify its authenticity with the course provider;

(3) Have places for the name and identifying number of each course provider;
and

(4) Have places for the name, address, date of birth, and Tennessee driver's license number of the person taking the course.

(d) The department shall be allowed to charge a fee not to exceed one dollar (\$1.00) for each such certificate. A course provider shall be allowed to charge an instructor applicant a fee equal to the amount of the fee paid to the department for such certificate upon its issuance.

(e) A licensed course provider shall be entitled to purchase certificates from the department for issuance to such instructor applicants to certify completion of such instructor course for either the defensive driving course as defined in § 55-54-101(8) or driver safety course as defined in § 55-54-101(15).

(f) Each course provider shall maintain such records or copies of certificates issued under this section as may be required by the commissioner, and any such records or copies of records shall be made available for inspection by the commissioner or commissioner's designee upon reasonable request.

(g) Until the department issues uniform certificates under this subsection, any course provider licensed under this chapter as defined under § 55-54-101(3) shall be allowed to issue its own certificates of completion, which shall be substantially in compliance with this subsection and shall clearly state thereon that the course provider is approved by the department. The commissioner shall set a date for issuance of uniform certificates and after such date, no other certificates of completion shall be accepted by the department.

55-54-207. The department, in its discretion, shall be allowed to develop and implement procedures for the electronic transmission of information to the various courts of this state relating to persons completing defensive driving courses for point reduction under § 55-50-505, and for persons completing driver safety courses by court referral under §§ 55-10-301 and 37-1-146(b)(3).

55-54-301. The commissioner shall establish the curriculum to be used in defensive driving, driver safety and instructor courses.

55-54-302. Course providers shall use relevant statutes from Tennessee Code Annotated, the most recent edition of the department's Tennessee Driver Handbook and Driver License Study Guide and such other instructional materials and media that the commissioner shall by rule establish for the curriculum of the courses under this chapter.

55-54-303.

(a) The curriculum for the defensive driving course shall include the following:

- (1) Driving responsibility;
- (2) Alcohol, other drugs and driving;

- (3) Occupant restraints and protective equipment;
- (4) Traffic signs and signals;
- (5) Rules of the road;
- (6) Interstate driving;
- (7) Defensive driving strategies;
- (8) Skills for difficult driving environments;
- (9) Physical forces that influence driver control;
- (10) Perceptual skills needed for driving;
- (11) Driving emergencies;
- (12) New or recent changes to the motor vehicle and traffic laws of Tennessee;

and

- (13) Other topics as may be required by commissioner.

(b) The course shall include a comprehensive examination and summation.

(c) The length of the course shall be eight (8) hours with two (2) breaks of twenty (20) minutes each or four (4) breaks of ten (10) minutes each to count as part of the eight (8) hours; however, the lunch break shall not count as part of the eight (8) hours.

55-54-304.

(a) The curriculum for the driver safety course shall include the following:

- (1) Alcohol, other drugs and driving;
- (2) Occupant restraint and protective equipment;
- (3) Traffic signs and signals;
- (4) Rules of the road;
- (5) Skills for difficult driving environments;
- (6) Physical forces that influence driver control;
- (6) Perceptual skills needed for driving;

(7) Driving emergencies; and

(8) Other topics as may be required by the commissioner.

(b) The length of the course shall be four (4) hours with one (1) break of twenty (20) minutes or two (2) breaks of ten (10) minutes to count as part of the four (4) hours.

(c) For the Internet driver safety course, quizzes and a final test shall be required to test the comprehension of the student.

55-54-305.

(a) The curriculum for the initial training of defensive driving school instructors shall include:

(1) All of the topics required under § 55-54-303;

(2) Instruction in teaching methods and skills;

(3) Practice in teaching the defensive driving course;

(4) Quizzes and tests to test the comprehension of the student;

(5) At least six (6) hours of instruction relative to the applicable laws and statutes of the state as set forth in Tennessee Code Annotated, and relevant case law from the courts of this state and any applicable federal statutes and case law, which shall be taught by an instructor who meets the criteria set forth in § 55-54-101(3)(D); and

(6) Other topics as may be required by the commissioner.

(b) The curriculum for the initial training of driver safety school instructors shall include:

(1) All of the topics required under § 55-54-304;

(2) Instruction in teaching methods and skills;

(3) Practice in teaching the defensive driving course;

(4) Quizzes and tests to test the comprehension of the student;

(5) At least four (4) hours of instruction relative to the applicable laws and statutes of the state as set forth in Tennessee Code Annotated and relevant case law

from the courts of this state and any applicable federal statutes and case law, which shall be taught by an instructor who meets the criteria set forth in §55-54-101(3)(D); and

(6) Other topics as may be required by the commissioner.

(c) If a person is seeking certification to be an instructor for both the defensive driving course and the driver safety course, the initial training curriculum shall include:

(1) All of the topics required under §§ 55-54-303 and 55-54-304;

(2) Instruction in teaching methods and skills;

(3) Practice in teaching the defensive driving course and driver safety course;

(4) Quizzes and tests to test the comprehension of the student;

(5) At least eight (8) hours of instruction relative to the applicable laws and statutes the state of as set forth in Tennessee Code Annotated, and relevant case law from the courts of this state and any applicable federal statutes and case law, which shall be taught by an instructor who meets the criteria set forth in § 55-54-101(3)(D); and

(6) Other topics as may be required by the commissioner.

(d) The initial instructor course to teach the defensive driving course shall be at least thirty-six (36) hours in duration, and the commissioner shall establish by rule the number and length of breaks that may count as part of the thirty-six (36) hours. The annual renewal course to continue teaching the defensive driving course shall be at least eight (8) hours in duration and shall be required to be completed twenty-four (24) months from the date of initial licensure, and every twenty-four (24) months thereafter as a condition of maintaining licensure.

(e) The initial instructor course to teach the driver safety course shall be at least twenty-four (24) hours in duration, and the commissioner shall establish by rule the number and length of breaks that may count as part of the twenty-four (24) hours. The annual renewal instructor course for the driver safety course shall be at least six (6) hours in duration and shall be

required to be obtained twenty-four (24) months from the date of initial licensure, and every twenty-four (24) months thereafter as a condition of maintaining licensure.

(f) The initial instructor course to teach both the defensive driving course and the driver safety course shall be at least forty (40) hours in duration and the commissioner shall establish by rule the number and length of breaks that may count as part of the forty (40) hours. The renewal instructor course for both the defensive driving course and driver safety course shall be at least twelve (12) hours in duration and shall be required to be obtained twenty-four (24) months from the date of initial licensure, and every twenty-four (24) months thereafter as a condition of maintaining licensure.

(g) The initial training of a course provider instructor who meets the requirements of § 55-54-101(3)(C) is an eight-hour course relative to the applicable laws and statutes of the state as set forth in Tennessee Code Annotated and relevant case law from the courts of this state and any applicable federal statutes and case law, which shall be taught by an instructor who meets the criteria set forth in § 55-54-101(3)(D). The annual renewal instructor course relative to updates in Tennessee law shall be at least four (4) hours in duration and shall be required to be obtained twelve (12) months from the date of initial licensure, and every twelve (12) months thereafter as a condition of maintaining licensure.

(h) The initial training for a course provider instructor who meets the requirements of § 55-54-101(3)(D) is an eight-hour course of instruction in teaching methods and skills dealing with the giving of instruction and the fundamentals of instructing, and such other criteria as may be established by the commissioner. No annual renewal training is required under this subsection provided that such instructor complies with and maintains currency with any continuing legal education requirements as a condition of his or her license to practice law in Tennessee, pursuant to Tennessee Supreme Court Rule 21.

(i) The initial training for a course provider instructor who meets the requirements of both § 55-54-101(3)(C) and § 55-54-101(3)(D) shall be waived, and no additional training is required; provided, that such instructor complies with and maintains currency with any continuing legal education requirements as a condition of his or her license to practice law in Tennessee, pursuant to Tennessee Supreme Court Rule 21.

55-54-401.

(a) The commissioner shall collect application and license fees in compliance with this chapter. The fees must be in sufficient amounts necessary to cover the administrative costs and, except as otherwise provided, are non-refundable.

(b) Except as provided in § 55-54-101(3)(E), the initial application fee for issuance of a license for a course provider shall be set by the department. In the event such application shall be denied by the commissioner, the department shall refund a portion of the application fee, and the remainder shall be non-refundable and shall be used to cover the costs of processing the application and administering the provisions of this chapter. The annual course provider license renewal fee shall be set by the department

(c) Except as provided in § 55-54-101(9)(C), the initial application fee for issuance of a license for a defensive driving school shall be set by the department. In the event such application shall be denied by the commissioner, the department shall refund a portion of the application fee, and the remainder shall be non-refundable and shall be used to cover the costs of processing the application and administering the provisions of this chapter. The annual defensive driving school license renewal fee shall be set by the department.

(d) Except as provided in § 55-54-101(16)(C), the initial application fee for issuance of a license for a driver safety school shall be set by the department. In the event such application shall be denied by the commissioner, the department shall refund a portion of the application fee, and the remainder shall be non-refundable and shall be used to cover the costs of

processing the application and administering the provisions of this chapter. The annual driver safety school license renewal fee shall be set by the department.

(e) The initial application fee for issuance of a license to operate both a defensive driving school as defined in § 55-54-101(9) and a driver safety school as defined in § 55-54-101(16) shall be set by the department. In the event such application shall be denied by the commissioner, the department shall refund a portion of the application fee, and the remainder shall be non-refundable and shall be used to cover the costs of processing the application and administering the provisions of this chapter. The annual defensive driving school license renewal fee and the driver safety school license renewal fee when such licenses are held by the same person shall be set by the department.

(f) Except as provided in § 55-54-101(5)(B), the initial application fee for issuance of a license for a course provider instructor shall be set by the department. In the event such application shall be denied by the commissioner, the department shall refund a portion of the application fee, and the remainder shall be non-refundable and shall be used to cover the costs of processing the application and administering the provisions of this chapter. The annual course provider instructor license renewal fee shall be set by the department.

(g) Except as provided in § 55-54-101(11), the initial application fee for issuance of a license for a defensive driving school instructor shall be set by the department. In the event such application shall be denied by the commissioner, the department shall refund a portion of the application fee, and the remainder shall be non-refundable and shall be used to cover the costs of processing the application and administering the provisions of this chapter. The annual defensive driving school instructor license renewal fee shall be set by the department.

(h) Except as provided in § 55-54-101(18), the initial application fee for issuance of a license for a driver safety school instructor shall be set by the department. In the event such application shall be denied by the commissioner, the department shall refund a portion of the

application fee, and the remainder shall be non-refundable and shall be used to cover the costs of processing the application and administering the provisions of this chapter. The annual driver safety school instructor license renewal fee shall be set by the department.

(i) The annual renewal fee for any instructor licensed under subsections (g) and (h) shall be set by the department.

55-54-402. The commissioner shall periodically review the amounts of fees established under this chapter and shall promulgate new rules to adjust such fees as necessary to ensure this program is fiscally self-sufficient.

55-54-403.

(a) Any licensed course provider, defensive driving school or driver safety school shall be subject to a civil complaint investigation fee, the amount of which shall be established by the department, to investigate complaints made against a course provider, defensive driving school or driver safety school.

(b) The civil complaint investigation fee may be charged only if:

- (1) The complaint could not have been resolved solely by telephone or in writing;
- (2) A representative of the commissioner visited the school or course provider as a part of the complaint resolution process; and
- (3) The school or course provider was found to be at fault.

55-54-501.

(a) No person shall:

- (1) Operate as a school that provides a defensive driving course unless the person holds a defensive driving school or course provider license issued under this chapter;
- (2) Operate a school that provides driver safety courses unless the person holds a driver safety school or course provider license issued under this chapter; or

(3) Operate as a course provider unless the person holds a course provider license issued under this chapter.

(b) No course provider, defensive driving school or driver safety school may transfer or allow any other person to operate under the license issued to the license holder under this chapter, and doing so shall be grounds for revocation of such license and shall be a basis to deny or bar any such violator from obtaining a license under this part as the commissioner shall deem appropriate.

55-54-502.

(a) All defensive driving schools, driver safety schools and course providers must be physically located and operated within this state and shall be subject to licensing and regulation by the department.

(b) A course provider, defensive driving school, or driver safety school may use multiple classroom locations to teach courses within the scope of their respective licenses; provided that, each such location:

- (1) Is operated by the licensed course provider, licensed defensive driving school or licensed driver safety school;
- (2) Operates under the same name as the parent school or provider; and
- (3) Such classrooms are physically located within the state.

55-54-503. To operate or do business in this state, a course provider, a defensive driving school or a driver safety school must apply to the commissioner for the appropriate license under this chapter. The application must:

- (1) Be in writing;
- (2) Be in the form prescribed by the commissioner;
- (3) Include all required information; and
- (4) Be subject to verification by the department.

55-54-504. (a) The commissioner shall approve an application for a defensive driving school license if upon investigation the department determines that the school:

(1) Has defensive driving courses, curricula, and instruction of a quality, content and length that reasonably and adequately achieve the stated objective for which the course, curricula, and instruction are developed by a course provider licensed under this chapter;

(2) Has adequate space, equipment, instructional material, and instructors to provide training of good quality;

(3) Has instructors who have adequate educational qualifications and experience;

(4) Maintains adequate records as prescribed by the commissioner;

(5) Is domiciled within the state of Tennessee and complies with all county, municipal, state, and federal laws;

(6) Has instructors who are of good reputation and character and who are residents of this state and who have valid Tennessee driver's licenses in good standing;

(7) Does not use erroneous or misleading advertising, either by actual statement, omission, or intimation, as determined by the commissioner;

(8) Does not use a name similar to the name of another existing school, partnership, or corporation unless specifically approved in writing by the commissioner;

(9) Does not owe an administrative penalty imposed under this chapter;

(10) Complies with and charges only the statutory fee set forth and established for persons taking defensive driving courses in this state; and

(11) Meets any additional criteria required by the commissioner.

(b) Not later than the fifteenth working day after the date a person successfully completes the defensive driving course, the defensive driving school shall

mail a uniform certificate of course completion issued under this chapter to the person satisfactorily completing such course. In the event any such student shall request an expedited delivery of such certificate, the school may charge a reasonable fee for expedited handling and shipping of such completion certificate; provided, that the cost for expedited handling and shipping was fully and completely disclosed to the student prior to the student's enrollment in such course.

55-54-505. (a) The commissioner shall approve an application for a driver safety school license if on investigation the department determines that the school:

(1) Has driver safety courses, curricula, and instruction of a quality, content and length that reasonably and adequately achieve the stated objective for which the course, curricula, and instruction are developed by a course provider licensed under this chapter;

(2) Has adequate space, equipment, instructional material, and instructors to provide training of good quality;

(3) Has instructors who have adequate educational qualifications and experience;

(4) Maintains adequate records as prescribed by the commissioner;

(5) Is domiciled within the state of Tennessee and complies with all county, municipal, state, and federal laws;

(6) Has instructors who are of good reputation and character and who are residents of the state of Tennessee and who have valid Tennessee driver's licenses in good standing;

(7) Does not use erroneous or misleading advertising, either by actual statement, omission, or intimation, as determined by the commissioner;

(8) Does not use a name similar to the name of another existing school, partnership, or corporation unless specifically approved in writing by the commissioner;

(9) Does not owe an administrative penalty under the chapter;

(10) Complies with and charges only the statutory fee set forth and established for persons taking driver safety courses in this state; and

(11) Meets any additional criteria required by the commissioner.

(b) Not later than the fifteenth working day after the date the person successfully completes the driver safety course, the driver safety school shall mail a uniform certificate of course completion issued under this chapter to the person satisfactorily completing such course. In the event any student requests an expedited delivery of such certificate, the school may charge a reasonable fee for expedited handling and shipping of such completion certificate; provided, that the cost for expedited handling and shipping was fully and completely disclosed to the student prior to such student's enrollment in such course.

55-54-506. (a) The commissioner shall approve an application for a course provider license if upon investigation the department determines that the course provider:

(1) Has approved courses that at least one (1) licensed defensive driving school and one (1) licensed driver safety school offers, or the course provider offers such defensive driving course and driver safety course directly to the general public;

(2) Meets the requirements of § 55-54-101(3);

(3) Has:

(A) Developed and provided to each defensive driving school and each driver safety school that offers the approved course a copy of:

(i) The refund policy; and

(ii) The regulations relating to attendance, grading policy, and rules of operation and conduct; and

(B) Provided to the defensive driving school or driver safety school the name, mailing address, and telephone number of the department for the purpose of directing complaints to the department;

(4) Maintains adequate records as prescribed by the commissioner;

(5) Is domiciled within the state of Tennessee and complies with all county, municipal, state, and federal laws, and other applicable requirements;

(6) Maintains and publishes as a part of its student enrollment contract the policy for the refund of tuition, fees and other charges if a student fails to take the course or withdraws or is discontinued from the school at any time before completion;

(7) Does not use erroneous or misleading advertising, either by actual statement, omission, or intimation, as determined by the commissioner;

(8) Does not use a name similar to the name of another existing school, partnership, or corporation unless specifically approved or authorized in writing by the commissioner;

(9) Does not owe a civil penalty under this chapter;

(10) Complies with and charges only the statutory fees established and authorized under this chapter; and

(11) Meets any additional criteria required by the commissioner.

(b) Not later than the fifteenth working day after the date the person successfully completes any course taught by the course provider, the course provider shall mail a uniform certificate of course completion issued under this chapter to the person satisfactorily completing such course. In the event any such student shall request an expedited delivery of such certificate, the course provider may charge a reasonable fee

for expedited handling and shipping of such completion certificate provided that the cost for expedited handling and shipping was fully and completely disclosed to the student prior to his or her enrollment in such course.

55-54-507.

(a) Before a defensive driving school may be issued a license, the school must file a corporate surety bond, or other bond acceptable to the commissioner, with the department in the amount set by the commissioner.

(b) A bond issued under subsection (a) shall be payable to the state to be used in the case of non-compliance by the school for:

(1) Payment of a refund rightly due to a student or potential student;

(2) To cover the payment of unpaid fees or penalties assessed by the department;

(3) To recover the cost of any uniform certificates of course completion issued to the school by the department in the event the school fails or refuses to return such certificates upon proper demand by the commissioner; and

(4) To condition compliance of the school, its officers, agents, instructors and employees with this chapter and the rules adopted under this chapter.

(c) Any bond filed under this chapter and relied upon by the department shall not be canceled unless the commissioner is given at least thirty (30) days' written notice by the issuer of such bond, which shall be sent to the commissioner by certified mail, return receipt requested, notifying the commissioner of the cancellation of such bond. Any issuer who fails to comply with this subsection (c) shall not be relieved of its obligation to the state under such bond regardless of the reason for cancellation by such issuer.

55-54-508.

(a) Before a driver safety school may be issued a license, the school must file a corporate surety bond, or other bond acceptable to the commissioner, with the department in an amount set by the commissioner.

(b) A bond issued under subsection (a) shall be payable to the state to be used in the case of non-compliance by the school for:

(1) Payment of a refund rightly due to a student or potential student;

(2) To cover the payment of unpaid fees or penalties assessed by the department;

(3) To recover the cost of any uniform certificates of course completion issued to the school by the department in the event the school fails or refuses to return such certificates upon proper demand by the commissioner; or

(4) To condition compliance of the school, its officers, agents, instructors and employees with this chapter and the rules adopted under this chapter.

(c) Any bond filed under this chapter and relied upon by the department shall not be canceled unless the commissioner is given at least thirty (30) days' written notice by the issuer of such bond, which shall be sent to the commissioner by certified mail, return receipt requested, notifying the commissioner of the cancellation of such bond. Any issuer who fails to comply with this subsection (c) shall not be relieved of its obligation to the state under such bond regardless of the reason for cancellation by such issuer.

55-54-509.

(a) Before a course provider may be issued a license, the school must file a corporate surety bond or other bond acceptable to the commissioner, with the department in the amount set by the commissioner.

(b) A bond issued under subsection (a) shall be payable to the state to be used in the case of non-compliance by the school for:

- (1) Payment of a refund rightly due to a student or potential student;
- (2) To cover the payment of unpaid fees or penalties assessed by the department;
- (3) To recover the cost of any uniform certificates of course completion issued to the school by the department in the event the school fails or refuses to return such certificates upon proper demand by the commissioner; or
- (4) To condition compliance of the school, its officers, agents, instructors and employees with this chapter and the rules adopted under this chapter.

(c) Any bond filed under this part and relied upon by the department shall not be canceled unless the commissioner is given at least thirty (30) days' written notice by the issuer of such bond, which shall be sent to the commissioner by certified mail, return receipt requested, notifying the commissioner of the cancellation of such bond. Any issuer who fails to comply with this subsection (c) shall not be relieved of its obligation to the state under such bond regardless of the reason for cancellation by such issuer.

55-54-510. In lieu of the bond required by §§ 55-54-507, 55-54-508 or 55-54-509, a defensive driving school, driver safety school or course provider may provide an alternate form of security to ensure compliance with this chapter, provided that such alternate form of security is:

- (1) Approved by the commissioner; and
- (2) In the amount required for a comparable bond under §§ 55-54-507, 55-54-508 or 55-54-509 of this chapter.

55-54-511.

(a) The commissioner shall issue a license to an applicant for a license under this chapter if:

- (1) The application is submitted in accordance with this chapter; and

(2) The applicant meets the requirements of this chapter.

(b) A license must be in a form determined by the commissioner and must show in a clear and conspicuous manner:

(1) The date of issuance, effective date, and term of license;

(2) The name and address of the defensive driving school, driver safety school or course provider;

(3) The authority for and conditions of approval;

(4) The signature of the commissioner or the commissioner's designee; and

(5) Any other fair and reasonable representation that is consistent with this chapter and that the commissioner considers reasonable and necessary.

(c) An applicant may obtain both a defensive driving school license, and a driver safety school license. An applicant who obtains a course provider license shall, by virtue of such license, be entitled to also exercise all the rights and privileges afforded by a defensive driving school license and a driver safety school license.

55-54-512. The commissioner shall provide a person whose application for a license under this chapter is denied, a written statement of the reasons for the denial. Any aggrieved person shall be entitled to request an administrative hearing in accordance with rules and procedures established by the commissioner. Any aggrieved person who has exhausted the administrative remedies under this section, shall be entitled to seek relief by filing a writ of certiorari in the chancery court in the county where the applicant is domiciled or in the chancery court for Davidson County.

55-54-513.

(a) A license issued under this chapter may not be transferred and remains the property of the state and must be surrendered upon reasonable request of the commissioner.

(b) If a change in ownership of a defensive driving school, driver safety school or course provider is proposed, a successor owner shall apply for a new school or course provider license at least thirty (30) days prior to the date of the proposed change.

(c) If the new successor owner is substantially involved in the operation of such defensive driving school, driver safety school or course provider prior to the change in ownership and there is no significant change in the management, control, or instructors of the defensive driving school, driver safety school or course provider, then the department shall not charge an initial application fee set forth in § 55-54-401, but shall be entitled to charge a license issuance fee equivalent to the license renewal fee for the type of license issued under this chapter.

(d) The commissioner is not required to reinspect a school after a change of ownership, but may inspect or otherwise ensure compliance with this chapter in the sole discretion of the commissioner.

55-54-514.

(a) To renew the license of a defensive driving school, driving safety school, or course provider, the school or course provider must remit the proper renewal fee to the department in a manner to be established by the commissioner.

(b) Any school or course provider that does not comply with subsection (a) must, as a condition of renewal of the person's license, pay a late renewal fee. The late renewal fee is in addition to the annual license renewal fee. The late renewal fee shall be established by the commissioner, but shall not exceed twenty-five percent (25%) of the annual license renewal fee for the type of license being renewed.

55-54-515.

(a) A duplicate license may be issued to a defensive driving school, a driver safety school or a course provider if:

(1) The original license is lost or destroyed; and

(2) An affidavit of that fact is filed with the department by the license holder.

(b) The commissioner shall be entitled to charge a reasonable fee for the issuance of a duplicate license.

55-54-516.

(a) The department may deny an application for a course provider, defensive driving school or driver safety school license, or may suspend or revoke the license of a course provider, defensive driving school or driver safety school if a course provider or school:

(1) Fails to meet a requirement for issuance of, or fails to maintain the requirements for renewal of, a license under this chapter;

(2) Knowingly permits fraud or engages in fraudulent practices relating to the application;

(3) Knowingly permits, induces, engages in fraud or fraudulent practices on the part of any person taking any course regulated under this chapter;

(4) Fails to comply with any department rules relating to course instruction; or

(5) Fails to comply with any of the requirements of this chapter.

(b) No later than the tenth day after the date of a denial, suspension, or revocation under this section, the department shall notify by certified mail the applicant or license holder of any adverse action.

55-54-517.

(a) Based on the severity of violation, the commissioner may reprimand, censure, suspend or revoke the license of any course provider, defensive driving school or driver safety school that fails to comply with or violates any of the provisions of this chapter.

(b) For minor infractions or violations of this chapter, the commissioner may give any course provider, defensive driving school or driver safety school a written reprimand or censure,

and may impose a civil penalty; however, any reprimand or censure shall not include the loss of operating privileges or license.

(c) For more serious violations of this chapter, the commissioner may suspend the license of any course provider, defensive driving school or driver safety school for not less than thirty (30) days nor more than one (1) year.

(d) For severe violations of this chapter, the commissioner may revoke the license of any course provider, defensive driving school or driver safety school and any such course provider, defensive driving school, driver safety school, or owner or operator shall be prohibited from re-applying for issuance of a license under this chapter for not less than one (1) year nor more than three (3) years.

55-54-518.

(a) A person aggrieved by a denial, suspension, or revocation of a license may appeal the action and request an administrative hearing before the commissioner, or the commissioner's designee, for the purpose of adjudicating the allegations against any such person.

(b)

(1) Any administrative hearing conducted under this chapter shall be conducted following the Tennessee Rules of Evidence for contested civil matters and each party may introduce evidence, subpoena and compel witness to appear and testify, and shall be conducted de novo with the department having the burden of proof to justify its actions; and

(2) Upon receipt of a request for an administrative review, the commissioner, or the commissioner's designee, shall set a time and place for the hearing and shall give notice to all parties;

(c) Upon conclusion of any such administrative hearing conducted under this chapter, the commissioner may approve the application if the hearing was based upon a denial thereof, may reinstate a suspended or revoked license or modify the decision of the department as appropriate.

55-54-519.

(a) Any person aggrieved by a denial, suspension, or revocation of a license may appeal a decision rendered after an administrative review by the commissioner to the circuit or chancery court of the county wherein the aggrieved party is located, or in the circuit or chancery court for Davidson County. Such appeal shall be de novo.

(b) Any appeal must be filed within thirty (30) days after the appellant is served with the decision of the administrative review by the commissioner.

(c) A decision of the circuit or chancery court shall be subject to appeal in the manner provided for appealing civil actions to the court of appeals.

55-54-520. Course providers, defensive driving schools, driver safety schools, and their respective instructors shall be considered educational services offered by specialized nondegree granting schools as set forth in § 67-4-708(3)(C)(iii).

55-54-601.

(a) No person shall teach a defensive driving course as defined in § 55-54-101(8), or conduct any phase of teaching such course, unless the person holds a license issued by the department to teach such course.

(b) No person shall teach a driver safety course as defined in § 55-54-101(15), or conduct any phase of teaching such course, unless the person holds a license issued by the department to teach such course.

(c) No person shall teach prospective instructor applicants or act as course provider instructor as defined in § 55-54-101(5), or conduct any phase of teaching such course, unless the person holds a license issued by the department to teach such course.

(d) The provisions of this chapter shall not prevent any duly licensed instructor from obtaining the assistance of guest speakers such as judges, lawyers, accident reconstructionists or others; provided, that such guest speakers are supervised and monitored at all times by an instructor licensed under this chapter.

(e) Instructors shall have and make their license available for inspection by the commissioner or the commissioner's designee, upon reasonable request.

55-54-602. A license under this chapter must be signed by the commissioner and have upon it the seal of the department.

55-54-603.

(a) A defensive driving school instructor must:

- (1) Be of good reputation;
- (2) Have a high school diploma or equivalent;
- (3) Be a resident of and domiciled in the state of Tennessee;
- (4) Hold a valid Tennessee driver's license, other than a learner's permit, for the preceding five (5) years, which has not been suspended, revoked, or forfeited in the past five (5) years;
- (5) Except as provided in § 55-54-101(11), have passed a course for defensive driving school instructors from a licensed Tennessee course provider as set forth in § 55-54-305(a);
- (6) Pay the license fee set forth in § 55-54-401; and
- (7) Be subject to the privilege tax imposed under § 67-4-1702.

(b) The commissioner shall establish standards for certification and licensing of defensive driving instructors.

55-54-604.

(a) A driver safety school instructor must:

- (1) Be of good reputation;
- (2) Have a high school diploma or equivalent;
- (3) Be a resident of and domiciled in the state of Tennessee;
- (4) Hold a valid Tennessee driver's license, other than a learner's permit, for the preceding five (5) years and which has not been suspended, revoked, or forfeited in the past five (5) years;
- (5) Except as provided in § 55-54-101(18), have passed a course for driver safety school Instructors from a licensed Tennessee course provider as set forth in § 55-54-305(b);
- (6) Pay the license fee set forth in § 55-54-401; and
- (7) Be subject to the privilege tax imposed under § 67-4-1702.

(b) The commissioner shall establish standards for certification and licensing of driver safety instructors.

55-54-605.

(a) A course provider instructor must:

- (1) Be of good reputation;
- (2) Have at least a bachelor of science degree in education with a minimum of five (5) years teaching experience at a high school, college, or university that is accredited in Tennessee; or have a license to practice law in the state of Tennessee with a minimum of five (5) years actual experience practicing criminal law in this state handling driving-related traffic and criminal offenses;

(3) Be a resident of and be domiciled in the state of Tennessee;

(4) Hold a valid Tennessee driver's license, other than a learner's permit, for the preceding five (5) years and which has not been suspended, revoked, or forfeited in the past five (5) years;

(5) Except as provided in § 55-54-101(5)(B), have fulfilled the requirements for course provider instructors as set forth in §§ 55-54-305(g) or 55-54-305(h), or 55-54-305(i); and

(6) Pay the license fee set forth in § 55-54-401.

(b) The commissioner shall establish standards for certification and licensing of course provider instructors.

55-54-606.

(a) To renew the license of a defensive driving school instructor, driver safety school instructor, or course provider instructor, the license holder must:

(1) Remit the proper fee to the department;

(2) Provide proof of compliance with, or exemption from, the continuing education requirements contained in § 55-54-305 for the level of license held by the instructor; and

(3) Review in a manner prescribed by the commissioner for license renewal.

(b) Failure to comply with this subsection shall prevent any instructor from exercising the privileges of his or her license after the renewal date of such license until same is renewed in accordance with this subsection.

55-54-607.

(a) A duplicate license may be issued to a defensive driving school instructor, a driver safety school instructor or a course provider instructor if:

(1) The original license is lost or destroyed; and

(2) An affidavit of that fact is filed with the department.

(b) The commissioner shall be allowed to charge a fee to cover the costs of issuing a duplicate license.

55-54-608.

(a) The department may deny an application for a course provider instructor, defensive driving school instructor or driver safety school instructor license, or may suspend or revoke the license of a course provider instructor, defensive driving school instructor or driver safety school instructor if the instructor:

(1) Fails to meet a requirement for issuance, or fails to maintain the requirements for renewal, of a license under this chapter;

(2) Knowingly permits fraud or engages in fraudulent practices relating to the application;

(3) Knowingly permits, induces, engages in fraud or fraudulent practices on the part of any person taking any course regulated under this chapter;

(4) Fails to comply with any department rules relating to course instruction; or

(5) Fails to comply with any of the requirements of this chapter.

(b) No later than the tenth day after the date of a denial, suspension, or revocation under this section, the department shall notify the applicant or license holder by certified mail of any adverse action.

55-54-609.

(a) Based on the severity of violation, the commissioner may reprimand, censure, suspend or revoke the license of any course provider instructor, defensive driving school instructor or driver safety school instructor that fails to comply with, or violates any of the provisions of, this chapter.

(b) For minor infractions or violations of this chapter, the commissioner may give any course provider instructor, defensive driving school instructor or driver safety school instructor, a written reprimand or censure, and may impose a civil penalty; however, any reprimand or censure shall not include the loss of operating privileges or license.

(c) For more serious violations of this chapter, the commissioner may suspend the license of any course provider instructor, defensive driving school instructor or driver safety school instructor for not less than thirty (30) days nor more than one (1) year.

(d) For severe violations of this chapter, the commissioner may revoke the license of any course provider instructor, defensive driving school instructor or driver safety school instructor and any such instructor shall be prohibited from re-applying for issuance of a license under this chapter for not less than one (1) year nor more than three (3) years.

55-54-610.

(a) A person aggrieved by a denial, suspension, or revocation of a license may appeal the action and request an administrative hearing before the commissioner, or his designee, for the purpose of adjudicating the allegations against any such person.

(b)

(1) Any administrative hearing conducted under this part shall be conducted following the Tennessee Rules of Evidence for contested civil matters, and each party may introduce evidence, subpoena and compel witnesses to appear and testify and shall be conducted de novo with the department having the burden of proof to justify its actions.

(2) Upon receipt of a request for an administrative review, the commissioner, or the commissioner's designee, shall set a time and place for the hearing and shall give notice of such time and place to all parties.

(c) Upon conclusion of any such administrative hearing conducted under this chapter, the commissioner may approve the application if the hearing was based upon a denial thereof, or may reinstate a suspended or revoked license or modify the decision of the department as appropriate.

55-54-611.

(a) After an administrative review by the commissioner, any person aggrieved by a denial, suspension, or revocation of a license may appeal a decision to the circuit or chancery court of the county wherein the aggrieved party is located, or in the circuit or chancery court for Davidson County. Such appeal shall be de novo.

(b) Any appeal must be filed within thirty (30) days after being served with the decision of the administrative review by the commissioner.

(c) A decision of the circuit or chancery court shall be subject to appeal in the manner provided for appealing civil actions to the court of appeals.

55-54-701.

(a) Course providers licensed in this state shall be permitted to:

(1) Create and license uniform courses and curriculum for use in this state by licensed defensive driving schools and driver safety schools;

(2) Teach and certify completion of the educational requirements to meet eligibility for licensure by the department of any person seeking licensure as a course provider instructor, defensive driving school instructor, or driver safety school instructor;

(3) Operate defensive driving schools teaching defensive driving courses, as defined in § 55-54-101(8), and which leads to driver license point reduction under § 55-50-505;

(4) Operate driver safety schools teaching driver safety courses, as defined in § 55-54-101(15), which is taken in compliance with court referrals and court ordered driving school pursuant to §§ 55-50-301 and 37-1-146(b)(3); and

(5) Create and operate Internet-based driver safety courses for completion by persons seeking to comply with any court ordered driver safety school requirement by any court of this state.

(b) Course providers licensed in this state must employ as instructors only those instructors licensed by the department as course provider instructors, defensive driving school instructors, or driver safety school instructors.

(c) Not later than the fifteenth working day after the course completion date, a course provider shall mail a uniform certificate issued pursuant to §§ 55-54-205 or 55-54-206 evidencing course completion to a person who successfully completes a defensive driving course, driver safety course, Internet driver safety course, defensive driving school instructor course, driver safety school instructor course, or course provider instructor course evidencing satisfactory completion of such course.

(d) Not later than the sixtieth day after the course completion date, a course provider shall mail a processing fee to the department in the amount of five percent (5%) of the fee charged to persons completing a defensive driving course together with a list of the names, drivers license numbers and course completion dates of any persons completing such defensive driving course, which the department shall be allowed to receive and collect to cover the costs of administering the provisions of this chapter. Such fee shall be paid to the department by the course provider out of the fee collected from any person attending such course and no person shall be charged any additional amount to cover the cost of the payment of such fee.

(e) Not later than the sixtieth day after the course completion date, a course provider shall mail, or cause to be mailed, a processing fee to the clerk of any referring court in the

amount of five percent (5%) of the fee charged to persons completing a driver safety course, or Internet driver safety course, together with a list of the names, court docket number and course completion dates of any persons completing such driver safety course or Internet driver safety course. The court clerk shall be allowed to receive and collect a processing fee to cover the costs of ensuring compliance with any court order relative to completion of such driver safety course, which shall be construed to include completion of an Internet driver safety course. Such fee shall be paid to the clerk by the course provider out of the fee collected from persons attending such course and no person shall be charged any additional amount to cover the cost of the payment of such fee.

(f) Any course created and licensed by a course provider licensed in this state shall be subject to review and approval by the department.

(g) Upon reasonable request, course provider records shall be available for inspection by the commissioner or a designee of the commissioner.

55-54-702.

(a) A course provider shall be entitled to charge an initial and annual usage or license fee to any defensive driving school or driver safety school that uses any uniform course or curriculum created by such course provider.

(b) Course providers shall be responsible for ensuring that materials contained in any such courses or curriculums created by such course provider shall comply with all applicable statutes and court precedents of this state and shall provide periodic updates and support to any defensive driving schools or driver safety schools that use or license any such courses or curriculums from such course provider.

(c) A course provider may waive any fees required under this section for any level of instructor employed or working under the authority of the license issued by the department to the course provider;

(d) After having received initial training under § 55-54-305(h), any person meeting the criteria of § 55-54-101(3)(D) shall not be required to receive any additional training to satisfy the continuing education requirements for license renewal; provided, that any such instructor complies with and maintains currency with any continuing legal education requirements as a condition of such person's license to practice law in Tennessee, pursuant to Tennessee Supreme Court Rule 21; and

(e) Any such instructor exempt from training under § 55-54-305(i) shall not be required to receive initial or any additional training to satisfy the continuing education requirements for license renewal; provided, that any such instructor complies with and maintains currency with any continuing legal education requirements as a condition of his or her license to practice law in Tennessee, pursuant to Tennessee Supreme Court Rule 21; and

(f) A course provider shall be entitled to charge an additional handling fee to cover postage and processing for those persons requesting expedited processing and issuance of any certificates under this chapter.

(g) A course provider shall be subject to inspection and verification by the department to ensure compliance with this section.

55-54-703.

(a) Defensive driving schools licensed in this state shall:

(1) Operate defensive driving schools teaching defensive driving courses, as defined in § 55-54-101(8), and which leads to driver license point reduction under § 55-50-505;

(2) Teach a course or curriculum of study in compliance with § 55-54-303, which course may be obtained from a licensed course provider in this state or may be submitted in detail for comprehensive review and approval by the department who shall ensure compliance with all provisions of § 55-54-303; and

(3) Employ as instructors only those instructors licensed by the department as defensive driving school instructors under this chapter.

(b) Not later than the fifteenth working day after the course completion date, a defensive driving school, or employee of such school, shall mail, or cause to be mailed, a uniform certificate issued pursuant to § 55-54-205 evidencing course completion to a person who successfully completes a defensive driving course evidencing satisfactory completion of such driving course.

(c) Not later than the sixtieth day after the course completion date, a defensive driving school shall mail, or cause to be mailed, a processing fee to the department in the amount of five percent (5%) of the fee charged to persons completing a defensive driving course together with a list of the names, drivers license numbers and course completion dates of any persons completing such defensive driving course, which the department shall be allowed to receive and collect to cover the costs of administering the provisions of this chapter. Such fee shall be paid to the department by the defensive driving school out of the fee collected from any such person attending such course. No person shall be charged any additional amount to cover the cost of the payment of such fee.

(d) Defensive driving school records shall be available for inspection by the commissioner or a designee of the commissioner upon reasonable request.

55-54-704.

(a) A defensive driving school may charge a reasonable fee to cover the cost of course materials.

(b) A defensive driving school shall be entitled to charge an additional handling fee to cover postage and processing for those persons requesting expedited processing and issuance of any certificate of course completion under this chapter.

(c) A defensive driving school shall be subject to inspection and verification by the department to ensure compliance with this section.

55-54-705.

(a) Driver safety schools licensed in this state shall:

(1) Operate driver safety school teaching driver safety courses, as defined in § 55-54-101(15), which is taken in compliance with court referrals and court ordered driving school pursuant to §§ 55-50-301 and 37-1-146(b)(3);

(2) Teach a course or curriculum of study in compliance with § 55-54-304. Such course may be obtained from a licensed course provider in this state or may be submitted in detail for comprehensive review and approval by the department who shall ensure compliance with all provisions of § 55-54-304; and

(3) Employ as instructors only those instructors licensed by the department as defensive driving school instructors under this chapter.

(b) Not later than the fifteenth working day after the course completion date, a driver safety school, or employee thereof, shall mail a uniform certificate issued pursuant to § 55-54-205 evidencing course completion to a person who successfully completes a driver safety course evidencing satisfactory completion of such course.

(c) Not later than the sixtieth day after the course completion date, a course provider shall mail a processing fee to the clerk of any referring court in the amount of five percent (5%) of the fee charged to persons completing a driver safety course, or Internet driver safety course, together with a list of the names, court docket number and course completion dates of any persons completing such driver safety course or Internet driver safety course, which the court clerk shall be allowed to receive and collect to cover the costs of ensuring compliance with any court order relative to completion of such driver safety course, which shall be construed to include completion of an Internet driver safety course. Such fee shall be paid to the clerk by the

course provider out of the fee collected from any such person attending such course. No person shall be charged any additional amount to cover the cost of the payment of such fee.

(d) Driver safety school records shall be available for inspection by the commissioner or a designee of the commissioner upon reasonable request.

55-54-706.

(a) A driver safety school shall charge a fee set by the department to persons attending any driver safety course operated by the driver safety school, which shall include the cost of any course materials.

(b) A driver safety school shall be entitled to charge an additional handling fee to cover postage and processing for those persons requesting expedited processing and issuance of any certificate of course completion under this chapter.

(c) A driver safety school shall be subject to inspection and verification by the department to ensure compliance with this section.

55-54-707.

(a) The commissioner shall periodically review the amounts of fees and recommend to the general assembly adjustments to those amounts.

(b) The commissioner may establish criteria and guidelines for the granting of relief from the fees imposed in this part for individuals unable to afford to pay the full amount of such fees.

55-54-708.

(a) Individuals residing within this state or another state, may complete an Internet driver safety course defined in § 55-54-101(21), which shall be as acceptable as any driver safety course defined in § 55-54-101(15).

(b) Courts of this state shall not distinguish between an Internet driver safety course or a driver safety course, and shall not show preference for one type over the other; however, judges may require any person completing an Internet driver safety course to complete an additional

driver safety course if any judge finds that any person failed to properly complete such Internet driver safety course or completed it with unauthorized assistance.

55-54-709. A course provider, defensive driving school or driver safety school may withhold a student's certificate of completion until the student fulfills the student's financial obligation to the course provider or school.

55-54-710. A course provider instructor, defensive driving instructor or driving safety instructor shall carry such instructors license at all times while instructing any course for which the person is licensed.

55-54-711. Neither the department nor any court of this state shall accept any course or certificate of completion from any unlicensed course provider, defensive driving school or driver safety school. Any contract entered into with a person for a course of instruction by, or on behalf of a person operating as an unlicensed course provider, defensive driving school or driver safety school is unenforceable and subject to civil and criminal penalties as set forth in this chapter.

55-54-801. As a condition for obtaining a course provider license, defensive driving school license, or driver safety school license, the course provider or school must maintain a cancellation policy that provides for a full refund of all funds paid in advance by a student if the student cancels before the time set for the beginning of any such course, or in the event that the course provider or school shall, for whatever reason, cancel or fail to teach such course.

55-54-901.

(a) No person shall:

(1) Commence, conduct, or operate any business as a course provider, defensive driving school or driver safety school as defined in this chapter, unless any such person is licensed by the department under this chapter;

(2) Commence, conduct, or operate as a course provider instructor, defensive driving school instructor or driver safety school instructor as defined in this chapter, unless any such person is licensed by the department under this chapter;

(3) Receive any unauthorized assistance from any person during the taking of any instructor course, defensive driving course, driver safety course, or Internet driver safety course regulated under this chapter;

(4) Aid in the unauthorized assistance of any person during the taking of any instructor course, defensive driving course, driver safety course, or Internet driver safety course regulated under this chapter;

(5) Possess, buy or obtain any certificate of completion purporting to evidence completion of a course regulated under this chapter, unless such certificate is issued by a course provider, defensive driving school, or driver safety school licensed and issued in accordance with the provisions of this chapter;

(6) Give, sell, or otherwise produce, manufacture or provide any certificate of completion purporting to evidence completion of a course regulated under this chapter unless such certificate is issued by a course provider, defensive driving school, or driver safety school licensed and issued in accordance with the provisions of this chapter; or

(7) With the intent to defraud, forge, alter or unlawfully obtain any uniform certificate issued by the department under §§ 55-54-205 or 55-54-206.

(b)

(1) A violation of subdivision (a)(1) is a class A misdemeanor;

(2) A violation of subdivision (a)(2) is a class B misdemeanor;

(3) A violation of subdivision (a)(3), (a)(4) or (a)(5) is a class C misdemeanor;

(4) A violation of subdivision (a)(6) is a class A misdemeanor; and

(5) A violation of subdivision (a)(7) is a class E felony.

SECTION 2. Tennessee Code Annotated, Section 55-10-301, is amended by deleting such section in its entirety and by substituting instead the following:

Section 55-10-301.

(a) Any person violating any of the provisions of chapters 8 and 9 of this title and parts 1-5 of this chapter where a penalty is not specifically prescribed, commits a class C misdemeanor.

(b) Any person violating any of the provisions of chapters 8 and 9 of this title and parts 1-5 of this chapter may be required, at the discretion of any court having proper jurisdiction and authority, to attend a driver safety course as set forth in chapter 54 of this title in addition to or in lieu of any portion of other penalty imposed.

(c) Each court clerk shall provide a list of entities licensed by the department of safety in accordance with chapter 54 of this title to any person ordered to attend a driver safety course.

(d) The provisions of subsection (b) shall not apply to any person who holds a Class A, B, or C license and is charged with any violation, except a parking violation, in any type of motor vehicle.

SECTION 3. Tennessee Code Annotated, Section 55-50-505, is amended by deleting subsection (a)(3) in its entirety and by substituting instead the following:

(a)(3) The commissioner is authorized to promulgate reasonable rules and regulations to determine the number of points to be assigned for convictions of moving traffic violations and involvement in accidents and to establish the number of points needed for suspension action, and may establish regulations and procedures for the rehabilitation of the person involved to attempt to ensure that such person is a safer driver, which may include attending a defensive driving course as set forth in chapter 54 of this title.

SECTION 4. Tennessee Code Annotated, Section 67-4-1702(a), is amended by adding a new subdivision thereto, as follows:

(7) Persons licensed as course provider instructors, defensive driving instructors and driver safety instructors pursuant to title 55, chapter 54, part 6.

SECTION 5. It is the intent of the general assembly that the fees set by this act shall be in an amount sufficient to pay the costs of effectuating the provisions of this act. Such fees shall be reviewed by the department to ensure that the costs of effectuating the provisions of this act do not result in a deficit over any two (2) consecutive fiscal years.

SECTION 6. For the purpose of promulgating rules and regulations to implement the provisions of this act, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, it shall take effect July 1, 2006, the public welfare requiring it.